

AMENDED IN SENATE MARCH 30, 2006

SENATE BILL

No. 1491

Introduced by Senator Kuehl

February 23, 2006

An act to add Title 1.807 (commencing with Section 1798.79.8) to Part 4 of Division 3 of the Civil Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

SB 1491, as amended, Kuehl. Domestic violence: personal information.

Existing law regulates the collection and disclosure of personal information by government agencies and businesses related to, among others, social security numbers, business records, drivers license numbers, medical information, and credit reporting information.

This bill would prohibit any person or entity that awards grants to victim service providers, as defined, from requesting or requiring, as a condition of an award, the personally identifying information of ~~a domestic violence victim~~ *victims of domestic violence, dating violence, sexual assault, or stalking, or their children*, as specified, or the use of specified computer programs or systems that require the disclosure of that personally identifying information. The bill would also make available to any victim service provider aggrieved by a violation of those provisions, injunctive relief and court costs and attorney's fees *in certain cases*.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Title 1.807 (commencing with Section 1798.79.8) is added to Part 4 of Division 3 of the Civil Code, to read:

TITLE 1.807. DOMESTIC VIOLENCE, *SEXUAL ASSAULT,*
AND STALKING: PERSONAL INFORMATION

1798.79.8. For purposes of this title:

(a) “Person or entity” means any individual, corporation, partnership, joint venture, or any business entity, or any state or local agency.

(b) “Personally identifying information” means:

(1) First and last name or last name only.

(2) Home or other physical address, including, but not limited to, a street name or zip code, other than an address obtained pursuant to the California Safe At Home program or a business mailing address ~~provided by~~ *for* the victim service provider.

(3) Electronic mail address or other online contact information, such as an instant messaging user identifier or a screen name that reveals an individual’s electronic mail address.

(4) Telephone number, other than a business telephone number ~~provided by~~ *for* the victim service provider.

(5) Social security number.

(6) Date of birth, *with the exception of the year of birth.*

(7) Internet Protocol address or host name that identifies an individual.

(8) Any other information, including, but not limited to, ~~children’s and relatives first and last names, grade point average, racial or ethnic background, academic or occupational interests, or religious affiliation that, in combination with any of the above would serve to identify any individual, although that information may be requested or required if it is not combined with any of the above or in any manner in which provision of the information would serve to identify a specific~~ *the first and last names of children and relatives, racial or ethnic background, or religious affiliation, that, in combination with any other nonpersonally identifying information, would serve to identify any individual.*

(c) “Victim service provider” means a nongovernmental organization or entity, ~~for profit or not for profit, that assists domestic violence, dating violence, sexual assault, and stalking victims, including rape crisis centers, domestic violence shelters, domestic violence counseling, and other service centers and other organizations with a documented history of effective work concerning domestic violence, sexual assault, or stalking.~~ *that provides shelter programs or services, at low cost, no cost, or on a sliding scale, to victims of domestic violence, dating violence, sexual assault, or stalking, or their children, either directly or through other contractual arrangements, including rape crisis centers, domestic violence shelters, domestic violence transitional housing programs, and other programs with the primary mission to provide services to victims of domestic violence, dating violence, sexual assault, or stalking, or their children, whether or not that program exists in an agency that provides additional services.*

1798.79.9. (a) In the course of awarding grants, including, but not limited to, requests for proposals, contracts, or billing procedures, implementing programs, or providing financial support or assistance ~~of any kind for the purpose of providing shelter, programs, or services at low cost, no cost, or on a sliding scale to victims of domestic violence, dating violence, sexual assault, or stalking, or their children,~~ to any victim service provider, it is unlawful for any person or entity to request or require that victim service provider to provide personally identifying information regarding any of the persons to whom it is providing services, it has provided services, or it has considered or is considering providing services.

(b) In the course of awarding grants, including, but not limited to, requests for proposals, contracts, or billing procedures, implementing programs, or providing financial support or assistance ~~of any kind for the purpose of providing shelter, programs, or services at low cost, no cost, or on a sliding scale to victims of domestic violence, dating violence, sexual assault, or stalking, or their children,~~ to any victim service provider, it is unlawful for any person or entity to request or require that victim service provider to use any computer software, computer program, computer protocol, or other computer system that requires the disclosure of personally identifying information

1 regarding any of the persons to whom it is providing services, it
2 has provided services, or it has considered or is considering
3 providing services.

4 (c) Nothing in this section is intended to prevent the collection
5 of information for statistical purposes that are necessary for the
6 proper administration of the grant, program, or financial
7 assistance, provided that collection does not require the
8 disclosure of information that would serve to identify any
9 specific individual.

10 1798.79.95. Injunctive relief shall be available to any victim
11 service provider aggrieved by a violation ~~or a threatened~~
12 ~~violation~~ of this title. The prevailing plaintiff in any action
13 commenced under this section shall be entitled to recover court
14 costs and reasonable attorney's fees *if the victim service provider*
15 *has provided notice of this section and the asserted violation of*
16 *this section to the defendant and the defendant has failed to cease*
17 *the violation within five business days of receiving that notice.*